IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.835 of 2006
In
Criminal Appeal No.266 of 2006

Shrikant Nagoba Kale — Applicant
Vs.
State of Maharashtra — Respondent

Mrs.Sarojini Upadhyay, Advocate appointed for applicant.
Mrs.U.V.Kejriwal, APP for State.

CORAM: B.H.MARLAPALLE & R.S. MOHITE, JJ.

March 13, 2007.

P.C.

. Heard Mrs. Sarojini Upadhyay the learned Advocate appointed for the applicant-appellant who is presently undergoing the sentence of life imprisonment for committing the murder of his wife Shantabai. This is an application for bail suspending the order of sentence dated 5/5/2003. We have perused the reasoning set out by the trial Court. We have noticed that the trial Court referred to the testimony of PW 2, PW 3 and PW 9 by way of other circumstances and mainly relied upon the testimony of PW 8 - Meenakshi, the daughter of the accused and the deceased. Meenakshi stated in the witness box that the accused gave blows with bedga on the head of Shantabai and she saw the same with her

naked eyes. Meenakshi was of the age of ten years when she was deposing before the trial Court and the trial Court noticed that there was nothing to impeach or doubt the evidence of this eye witness. In addition the recovery of bedga, the weapon used in assaulting the deceased was also proved at the instance of the accused and the same was found to be stained with human blood as per the CA report and this circumstance the accused failed to explain. In addition the clothes of the accused seized while arresting him were also found to be stained with human blood.

. On the face of these observations made by the trial Court, we do not find any reason that the applicant should be released on bail pending Criminal Appeal No.266 of 2006 filed by him. The application is, therefore, rejected. Hearing of the appeal is expedited.

(R.S.MOHITE,J.) (B.H.MARLAPALLE,J.)